

Minutes of the Planning Commission meeting held on Thursday, May 17, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Vice-Chair
Vicki Mackay
Tim Taylor
Phil Markham
Chad Wilkinson, Division Manager
Joshua Beach, Assistant Planner
Tim Tingey, Director Admin & Development Services
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Jim Harland, Chair
Ray Black

There was no Staff Review meeting held due to lack of a quorum.

Ms. Daniels announced that agenda item #6, Tony's Social Club, has withdrawn from this meeting.

APPROVAL OF MINUTES

There were no minutes to approve.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the four Findings of Fact for Conditional Use Permits for Stripped, LLC, Castle Jewelers, Inc., Larry H. Miller Lexus and Marriott Residence Inn.

Seconded by Mr. Markham.

A voice vote was made. Motion passed 4-0.

RECOVERY WAYS – 5284 & 5290 South Allendale Drive – Project #12-53

Kenney Nichols was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit for a rehabilitation center offering substance abuse counseling with overnight stay for the properties addressed 5284 & 5290 South Allendale Drive. The properties are in the G-O (general office) zone. This facility is similar to the one currently operating at 4883 South Box Elder Street called Mountain View Rehabilitation Center. This facility will be a two-story building with a total floor area of 16,983 sq. ft. The building is about 27 ft. at the highest point which complies with code. The facility will contain 26 sleeping rooms including counseling rooms, offices, kitchen and dining room, lounge and reading room. There are currently two dwellings on the property that will need to be

removed. The two properties will need to be combined onto one parcel and be recorded at Salt Lake County Recorder's office with Murray City approval. The site plan shows parking on the east and west of the building with a total of 32 parking stalls including four disabled parking stalls. The applicant indicated there are 26 rooms, but there will be 30 clients of the facility at a time which will require 6 parking stalls. There are 12 operators and employees at the highest shift which will require an additional 6 parking stalls based on 1 space per 2 employees at the highest shift. The total parking spaces required will be 12. The building complies with the setback requirements of the G-O zone. The site plan shows 42% of the site in landscaping. Additional information will need to be provided with the landscaping plan to show compliance to the percentage of landscaping on the street frontages as required by the landscaping regulations 17.68.040.A. Access to the site is proposed from Allendale Drive and Murray Boulevard. The drive access at Allendale Drive will need to be widened to 25 feet minimum and the applicant will be required to revise the plans to meet code. The City Engineer has recommended that the access on Murray Boulevard be shared with the property to the south. The plan has been revised to show shared access with the property to the south. Prior to building permit, evidence of a shared access easement will be required to be submitted or the plans will need to be revised to show elimination of the parking area on the west of the building along Murray Boulevard. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Kenney Nichols, 5151 South 900 East unit #200, stated he is the architect for the project. This building is approximately 17,000 sq. ft., has 26 rooms, and is a two story building with patio areas and dining room.

Ms. Daniels asked Mr. Nichols if they have had an opportunity to review the Staff recommended conditions of approval and if so, are they willing to comply. Mr. Nichols responded in the affirmative. He added that they are working with the property owner to the south in terms of a possible shared access, but if that does not work out they do understand they will need to eliminate the parking lot on Murray Boulevard and use the one on Allendale Drive (6th West).

Mr. Taylor asked if the building façade will be stucco. Mr. Nichols responded that the façade will be both stone base and stucco.

The meeting was opened up for public comment.

Brook Peterson, 693 East Walnut Brook Drive, stated she is a resident and Murray business owner. She stated for the record that she has had a very positive experience with Recovery Ways as she recently had an employee admitted to the center resulting in remarkable recovery. She thinks it is a great organization and is proud to support it.

Public comment period was closed.

Mr. Taylor made a motion to approve a Conditional Use Permit for a rehabilitation facility for the properties addressed 5284 & 5290 South Allendale Drive, subject to the

following conditions:

1. The project shall meet all applicable building code standards. The applicant shall provide complete stamped sealed plans, calculations, soils report, and energy report at the time of building permit application.
2. The project shall meet all current fire codes.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted with the building permit application for approval by the Murray City Officials and shall be installed as approved prior to occupancy.
4. Use of an exterior trash container shall be screened as required by Section 17.76.170.
5. The Murray City Engineer noted approval is subject to the following conditions:
 - A. Install curb and gutter and sidewalk along the Allendale (600 West) frontage, install sidewalk along the Murray Blvd. frontage.
 - B. Move the west access on Murray Boulevard to share access with the private driveway adjacent to south property boundary.
 - C. Combine the two lots into one parcel.
 - D. Meet City drainage requirements.
6. Adequate paved and striped parking stalls, including disabled stalls, shall be paved and striped to comply with ADA and parking regulations.
7. Comply with Murray Water & Sewer, Power and Fire Department requirements.
8. The drive access at Allendale Drive will need to be revised and widened to 25 feet minimum.
9. Prior to building permit, evidence of a shared access easement will be required to be submitted or the plans revised to show elimination of the parking area along Murray Boulevard.
10. Prior to building permit application, combine the existing parcels into one parcel and provide a copy of the new recorded legal description to the Murray Community and Economic Development office.

Ms. Mackay seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels

A _____ Vicki Mackay

A _____ Tim Taylor
A _____ Phil Markham

Motion passed, 4-0.

FIRECLAY APARTMENTS (LIONS GATE)- POOL – 124 West Fireclay Avenue &
4477 South Brick Oven Way – Project #12-54

Kenney Nichols was the applicant present to represent this request. Joshua Beach reviewed the location and request for Conditional Use Permit approval for two access/exit gates for two swimming pools. Joshua Beach stated the project name is now Lions Gate Apartments. Municipal Code Ordinance 17.76.160 allows swimming pools with two gates within the TOD zoning district subject to Conditional Use Permit approval. The zoning regulations allow one gate access for each swimming pool, unless the Planning Commission approves a second gate for each swimming pool. The Murray Building Department has informed the applicant that International Building Code requires two access gates for these swimming pools based on the requirements of occupant exit codes and numbers of occupants using the swimming pools. The Murray Building Official will require compliance to building code and the gate must include panic hardware. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Kenney Nichols, 5151 South 900 East #200, stated he is the architect for the project. He stated that he has read the conditions and will comply.

Mr. Beach made note that an additional condition has been added to the original packet that was mailed out to the board members.

The meeting was opened up for public comment. No comment was made and public comment was closed.

Mr. Taylor made a motion to approve a Conditional Use Permit for two access/exit gates for two swimming pools located at the Fireclay Apartments; properties addressed 4477 South Brick Oven Way and 124 West Fireclay Avenue, subject to the following conditions:

1. The project shall meet all applicable building code standards for swimming pools and the gates shall include panic hardware.
2. The project shall meet all current fire codes.
3. The project shall comply with Municipal Code 17.76.160 for swimming pools.

Ms. Mackay seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels
A _____ Vicki Mackay
A _____ Tim Taylor
A _____ Phil Markham

Motion passed, 4-0.

JERKS BIKE SHOP – 4967 South State Street – Project #12-50 – Public Hearing

Kirk Sherrod was the applicant present to represent this request. Josh Beach reviewed the location and request for a façade renovation and new signage for Jerks Bike Shop addressed 4967 South State Street. Municipal Code Section 17.170.050 outlines the process for review of applications located within the Murray City Center District (MCCD). New construction within the MCCD requires the issuance of a Certificate of Appropriateness by the Planning Commission after the project receives review and recommendation from the Design Review Committee. A public hearing is required prior to issuance or denial of the Certificate of Appropriateness. The applicant has proposed a façade renovation for an existing building on State Street. The building is located between two historically significant buildings but is not identified as a historically significant building in the Murray City Center District (MCCD) design guidelines. The MCCD ordinance requires a Certificate of Appropriateness for changes to facades of existing buildings in the district. Proposals for façade change are forwarded to the design review committee for review and recommendation to the planning commission. The Planning Commission then reviews the application and approves or denies the application based on compliance with the MCCD ordinance and design guidelines. The applicant proposes to replace the existing stucco façade with a brick veneer composed of brick taken from the former Hoffman building which was demolished because of fire damage in 2011. The brick is described as a tan in color. The proposal also includes sand-stone headers, base course foundation and a cap treatment. The design guidelines indicate that earth tones proposed are appropriate and the use of brick reclaimed from the historic Hoffman building is consistent with the guidelines which encourage the use of traditional materials. The applicant will treat the windows with a perforated vinyl material with some signage. The MCCD ordinance allows for signage on the inside or outside of windows provided that the signage covers no more than 50 percent of the window. The signage proposed appears to meet this requirement.

The applicant also proposes two signs. The first sign will replace an existing “box-can” sign that is not allowed under the MCCD Ordinance. The proposed sign will be a brushed aluminum projecting sign which is in keeping with the guidelines. The second is also a metal sign with a PVC backing material. Both signs are consistent with the encouraged sign types for the district. A building permit will be required and the projecting sign will need to provide a minimum clearance of 8 feet from the sidewalk.

The Design Review Committee reviewed the project on April 26, 2012. The committee recommended approval of the proposed use subject to the following condition:

1. The applicant shall obtain proper building permits from the Murray City building department for the façade renovation and signs.

Based on analysis of the design review guidelines staff recommends that the overall design is consistent with the design guidelines and recommends approval of the façade renovation and the proposed signage to the Planning Commission with the condition recommended above.

Mr. Taylor asked if Jerk's Bike Shop and Missionary Depot are two separate property addresses. Mr. Wilkinson responded indicating that signage is allowed to be reviewed by Staff, so rather than go through two separate processes for the applicant (same owner for both businesses) they have been combined into one recommendation. Mr. Taylor asked if the two separate property addresses need to be mentioned formally. Mr. Wilkinson responded in the affirmative.

Ms. Mackay asked if this is the same property that was reviewed a few meetings ago where the Planning Commission was unhappy with the outside façade. Mr. Beach replied yes and stated that it was the Missionary Depot that had come up in the meeting that she is referring to.

Kirk Sherrod, 4967 South State Street, stated that the only thing they want changed is the signage on Missionary Depot, everything else on that building has come into compliance with the owner of that building. He explained that for Jerk's Bike Shop, it is just the signage and façade change.

Ms. Daniels asked if Mr. Sherrod if he can comply with the staff recommendation. Mr. Sherrod responded in the affirmative.

Mr. Taylor asked what the green on the windows indicate in the picture. Mr. Sherrod stated that the green indicates that they didn't like the way the windows looked in the picture, so they blacked them out. However, they will be putting some sort of perforated vinyl coverage on the outside with some advertising. The colors haven't been decided at this time.

Mr. Beach stated for the record the two addresses; 4967 South State Street is Jerk's Bike Shop and 4973 is the Missionary Depot.

The meeting was opened up for public comment. No comment was made and public comment was closed.

Mr. Markham reiterated that even though this building is in the historic district, this particular building isn't of historic significance, but because it is in this zone it needs to pass the Design Review Board standards. Mr. Beach responded in the affirmative.

Mr. Markham made a motion to approve the façade renovation and sign installation of Jerk's Bike Shop, located at 4967 South State Street and for the change in signage for the Missionary Depot building, located at 4973 South State Street, subject to the following condition:

1. The applicant shall obtain proper building permits from the Murray City building department for the façade renovation and signs.

Mr. Taylor seconded the motion.

Mr. Markham amended his motion to include approval of a Certificate of Appropriateness. Mr. Taylor seconded the amended motion to include a Certificate of Appropriateness.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels
A _____ Vicki Mackay
A _____ Tim Taylor
A _____ Phil Markham

Motion passed, 4-0.

STEVENS-HENAGER COLLEGE – 383 & 401 West Vine Street – Project #12-52 –
Public Hearing

Vicky Dewsnup was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a General Plan amendment from office to commercial retail and a zone map amendment from G-O to C-D-C for the properties addressed 383 & 401 West Vine Street in order to construct an electronic message sign on the property. The G-O (general office) zone does not allow an electronic message sign, whereas the C-D-C (Commercial Development Conditional) zone allows an electronic message sign with Conditional Use Permit approval. The General Plan amendment and zone change request from office to commercial is not consistent with the direction of the General Plan for these properties which is to remain office and G-O zoning. The existing G-O zone allows various types of office uses including medical, finance and business services uses. Other compatible uses require a Conditional Use Permit such as education, restaurants, retirement homes, beauty and barber services. A variety of permitted uses are allowed in the C-D-C zone including fast food restaurants, retail trade, food stores, shopping centers, hardware supplies, furniture sales, restaurants, finance, insurance, and real estate services. Other uses are allowed by Conditional Use Permit such as hotels, auto sales, education services, motion picture theaters, dance halls, parks, recreation, and repair services.

Mr. Wilkinson explained that the purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan for the subject properties has been identified as office uses and existing use of the property is education which is compatible with the office zone uses, but is not a retail type use.

The General Plan amendment from office to commercial and zone change from G-O (general office) to C-D-C (commercial) for the purpose of installing an electronic message sign is not consistent with the Murray General plan. The applicant has indicated an increase in traffic along Vine Street attributable to the development of the hospital. The increase in traffic is not sufficient justification for a C-D-C zoning which would allow for a variety of uses including auto sales, auto repair, self-storage and other uses incompatible with the surrounding properties. The Murray Water and Sewer Department noted that changing this property to C-D-C will allow additional commercial uses on the property that could create problems with water and sewer specifically related to capacity. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of denial to the City Council for the requested Murray General Plan Amendment and Zone Change because it is contrary to the Murray General Plan.

Vicky Dewsnup, 812 South Eagle Way, stated she is the Regional Director for Stevens-Henager College. She stated that the plan for the property is to be able to reach out to the people in the Murray area to let them know the benefits of the college. She stated that a "plan" is a good idea, but as time goes by, things change. The way companies market their businesses change (i.e. internet, social media, messages, etc.) and when driving up and down I-15 drivers see many different message centers. Stevens-Henager has two other message centers located at the Westhaven campus and one at the Orem campus. Both message centers are done quite well along with the building itself. Stevens-Henager is a community member, offering continuing education, free GED education, scholarships and placement to the community. They have just been awarded Best of State in Vocational Education and Adult Education and the college wants to be able to get that word out. This cannot be done by traditional means. Their goal is to better communicate and serve the public better. She is asking for a change in zoning for those purposes.

Mr. Markham asked if Stevens-Henager owns the building. Ms. Dewsnup responded in the affirmative.

Ms. Mackay asked how long the building has been there and how long the school been open. Ms. Dewsnup stated that particular campus came to be in 2000 and moved to that building in 2005. Prior to that they were on 5300 South.

The meeting was opened up for public comment.

Deanne Leatherman, 2082 East 5290 South, stated that she is employed by Young Electric Signs. She stated that if the zoning changes and Stevens-Henager are able to put up the sign, her company will be manufacturing that sign. She stated that she did some research on what a General Plan actually is. She found information on www.planning.utah.gov that stated the General Plan should be designed initially to be updated. It also stated that the purpose of a General Plan should be to promote the public's interest and the interest of the community at large. Education is the key to our children's future. By being able to put up a sign that communicates to the general public they are able to develop their educational skills through different programs seems to her to be very important. The message center would not infringe on any residence and would not be seen from any residence. She would like to help the

college be of better service to the community.

Dan Walton, 5760 South Surrey Ron Road, stated he is employed by Young Electric Sign Company. He stated that he knows that Ms. Dewsnap has a vision for the college and his company has assisted her in putting together a plan to help her achieve that vision. The other two signs that Ms. Dewsnap mentioned have now been up for six or seven months. They have put a down payment on all the signs, never thinking that there would be a problem in Murray, simply because they didn't know it was a G-O. They went to Staff where they were told to do an ordinance change and then the City Council where they told him that they should be going for a zoning change, not an ordinance change. He stated he feels they have done what they were asked to do and have spent a lot of money to go through these processes. Eventually they wrote a letter to Mayor Snarr asking for his help in getting the City to be more responsive. They sat down with Tim Tingey and Staff to find out what they had to do for the presentation at this meeting. They put it together the way Staff told them to so that they would be able to give a presentation that would help Stevens-Henager in getting a message center approved. Yet, with all the help that Staff gave, they still are giving a recommendation of denial. Mr. Walton feels bushwhacked by Murray City after all the money and time put into doing exactly what they were told to do. He stated that no one will even see this sign with the exception of the I-15 corridor. He feels that the zoning should be changed so that Stevens-Henager College can move forward with a message board.

The public comment portion of the meeting was closed.

Tim Tingey stated that the Staff's recommendation has not been taken lightly. Mr. Tingey acknowledged that Staff did meet with them and in that meeting it was noted that the zoning is currently G-O and has been for some time. The zoning designation for G-O is very different than a C-D-C zone. There can be a variety of uses which can cause implications for any future businesses that would be allowed. Unfortunately, the G-O zoning does limit the signage. Staff members are not there to prepare applications for any business or person(s), but are available to outline the scenarios and options the applicant can look at. Mr. Tingey stated that never did Staff indicate that they were going to come forward with a positive recommendation and that the applicant was told to make their arguments to the Planning Commission and to the City Council. There are elements of an argument that could be quite favorable, but the fact is, the issue needs to be analyzed in the long term basis and the effects that it would have. The General Plan states that this area is to be G-O in the future. The original proposal that was brought to the Planning Commission and City Council was a scenario where they could get the ordinance changed without looking at the future use of this sight whether Stevens-Henager is there or not. Mr. Tingey clarified that the City Council did not make a decision stating that they would approve a zone change that night; however, they did state that it would be an option that can be looked at and might be a more viable option to go through that process. They did not make any commitments for the future about what they would do, because they need to deliberate on that after a recommendation has been made. It was the same way when Staff met with them. Staff gave them their options, let them know what they can do and these are the types of arguments that need to be made, but never gave a definitive answer that they would recommend approval.

Ms. Daniels asked Mr. Tingey to discuss the long term effect on the property if changed to C-D-C. Mr. Tingey stated that if the zone is changed to C-D-C and Stevens-Henager leaves that site and a new proposed use on that site that is much denser, it will cause capacity issues.

Ms. Mackay asked if there are other businesses located on the property that could give us their opinion. Mr. Tingey stated that the request for this property is solely owned by Stevens-Henager. Ms. Mackay asked if the zoning were to be changed, would it only be the parcel that Stevens-Henager owns. Mr. Tingey responded in the affirmative.

Mr. Markham asked if there were any other avenues to pursue a sign like this in the current zoning. Mr. Tingey responded in the negative and noted that the only options available are to have a Zone Change, a General Plan Amendment Change and/or an Ordinance Text Amendment. Mr. Markham clarified that Staff merely gives a recommendation; they are not giving the final decision.

Ms. Daniels asked if signage is allowed in the G-O zone, just not digital signage. Mr. Tingey responded in the affirmative.

Mr. Taylor asked Mr. Tingey what the M-U zone allows. Mr. Tingey stated that the M-U zoning district does not allow for electronic message boards.

Ms. Mackay asked if the City Council could over-ride any decision Planning Commission makes. Mr. Tingey stated that the final decision is determined by the City Councils for ordinance changes, general plan amendments and zoning changes.

Ms. Daniels clarified that any decision the Planning Commission makes, the City Council can over-ride, and the planning commission is merely a recommending body to the City Council.

Ms. Dewsnap stated that the sign is not meant to disrupt the community, but to get information out to the community so that they are able to make informed decisions.

Mr. Taylor noted that as a recommending body the Planning Commission, they must make their decision based on what the ordinances allow and the future use of the site. If the parcel at hand is rezoned and for an existing use and for whatever reason that use doesn't work out, the next applicant can come in with something that would drain the City's capacity for that area. Ms. Mackay stated that for her the sign isn't a bad idea, but changing the zoning may not be the best idea. Mr. Markham stated that he feels that solving a small specific problem with a massive hammer might not be the most appropriate action. Ms. Daniels concurred.

Mr. Markham made a motion to send a recommendation of denial to the City Council and amendment to the general plan from general office to commercial development and a negative recommendation to rezone the property from G-O (General Office) to C-D-C (Commercial Development Conditional) for the properties located at 383 & 401 West Vine Street. Mr. Taylor seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels

A _____ Vicki Mackay

A _____ Tim Taylor

A _____ Phil Markham

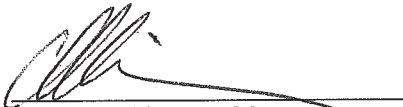
Motion passed, 4-0.

Ms. Daniels stated that this recommendation will go before the City Council on or near the third week in June 2012.

OTHER BUSINESS

There was no other business.

Meeting adjourned.

A handwritten signature in black ink, appearing to read 'Chad Wilkinson', is written over a horizontal line.

Chad Wilkinson, Manager
Community & Economic Development